



Final Regulation Agency Background Document

Agency name	Board for Asbestos, Lead, Mold, and Home Inspectors
Virginia Administrative Code (VAC) citation	18 VAC 15-60
Regulation title	Mold Inspector and Remediator Regulations
Action title	Initial promulgation of Mold Inspector and Mold Remediator Licensing Regulation
Date this document prepared	February 9, 2011

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

HB 2032 of the 2009 Session of the Virginia General Assembly charged the Board with the creation of a licensure program for the regulation of mold inspectors and mold remediators. The proposed new regulations create the licensure entry requirements, renewal requirements and standards of practice and conduct for this group of regulants as well as the disciplinary authority of the Board.

A few minor changes for clarification and consistency have been made since the time of publication of the proposed new regulation. Substantive changes include striking unused words from the definitions, an amendment to how often mold remediator workers must take a refresher course, an addition to the mold remediator supervisor standard for conducting mold remediation activities, an addition to grounds for disciplinary action, an addition to responsibilities of a licensee, and an amendment to the conflict of interest section.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency or board taking the action, and (3) the title of the regulation.

On February 2, 2011, the Board for Asbestos, Lead, Mold, and Home Inspectors adopted final regulations entitled "Mold Inspector and Remediator Regulations".

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Created by Chapter 358 of the 2009 Acts of Assembly

§ 54.1-201.5 of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>) states that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

§ 54.1-501.9 of the *Code of Virginia* states that the Board shall "Promulgate regulations for licensing of mold inspectors and mold remediators not inconsistent with this chapter regarding the professional qualifications of such applicants, the requirements necessary for passing applicable examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the mold inspectors and mold remediators licensed by the Board, the implementation of exemptions from licensure requirements, and the proper discharge of its duties. The Board shall have the discretion to impose different requirements for licensure for the performance of mold inspections and mold remediation."

The imperative form of the verb "shall" is used, making the Board's authority to regulate mandatory rather than discretionary.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The new regulations are created as the result of the Chapter 358 of the 2009 Acts of Assembly, which require that the Board for Asbestos, Lead, Mold, and Home Inspectors create regulations for the licensure of mold inspectors and mold remediators.

The goals of the proposal include establishing effective requirements for entry to licensure and standards of practice and conduct for mold inspectors and mold remediators. The establishment of these requirements will ensure minimum competency for the performance of these tasks. Minimum competency

of licensees will benefit the public by ensuring that licensed mold inspectors and mold remediators will have met established regulatory standards and thus be able to render the services for which they are hired. The mold inspection and remediation industry in Virginia is presently unregulated.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The new regulations establish the scope, definitions, application requirements for licensure, licensure renewal requirements, and standards of practice and conduct for licensed mold inspectors and mold remediators. The regulations also establish the Board's disciplinary authority over this group of regulants.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantages to the public include the assurance of a universal standard of minimum competency for professionals so as to discourage the solicitation of unscrupulous work practices in the mold industry. A potential disadvantage to the public may be realized in an increase in fees for mold remediation and inspection services as individuals and contractors absorb training and licensure costs.

The primary advantage to DPOR and the Commonwealth is the implementation of a successful regulatory program where no program previously existed. As a state that is favorably viewed for its effectiveness in administering other occupational regulatory programs, this provides another opportunity for the Commonwealth to help establish an industry standard to be considered by other states and territories in the Union. No disadvantage has been identified.

Other pertinent matters of interest to the regulated community include the establishment of baseline standards in an industry that currently has none on the state or federal level. This will serve as the foundation for the continued improvement of an effective regulatory program which will be manifested in more effective services for the citizens of the Commonwealth who require mold inspection or remediation services.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Please note: Registrar's Office renumbered the sections and removed the Scope (previous section 10) prior to Proposed Stage publication in the Register.

Section number	Requirement at proposed stage	What has changed	Rationale for change
10.6	Exemptions	Amended the Professional Engineer exemption.	Clarifies that Professional Engineers are exempt from this chapter only when correcting a moisture problem.
20*	Definitions	Struck the following terms and their definitions: AIHA, ANSI, Approval Letter, Direct Supervisor, Endorsement, IAQA, IICRC and NADCA.	These terms are not used in this chapter.
20	Definitions	Amended definition of reciprocity to remove reference to §54.1-500 et seq. and include reference to §54.1-103 C.	§54.1-103 C is the most relevant code cite which defines reciprocity as it pertains to the Department of Professional and Occupational Regulation.
40.A.4.a,b,c	Qualifications for Licensure – Individuals	Amended the Specific Entry Requirements for worker, supervisor and inspector to state that proof of initial and all subsequent refresher mold training is required and must have been completed within 12 months preceding the date that the Department receives the application for supervisor and inspector and within 36 months preceding the date that the Department receives the application for worker.	Clarifies that proof of subsequent refresher training is required in addition to proof of initial training. Also, clarifies that the training must be completed within 12 months preceding the date that the Department receives the application for supervisor and inspector and within 36 months preceding the date that the Department receives the application for worker.
40.A.4.c*	Qualifications for Licensure – Individuals	Amended Specific Entry Requirements for mold inspector to include a degree in environmental science or biological science as a method of entry option.	Based on Public Comment, the Board decided that degrees in environmental and biological science are appropriate degrees for mold inspectors.

40.A.4.c	Qualifications for Licensure – Individuals	Amended Specific Entry Requirements for mold inspector to state experience or completed mold inspections may be submitted as proof of experience. Previously both were required for entry.	Based on Public Comment, the Board decided that either experience or completed mold inspections are adequate as entry requirements. This standard is also found in the Board's Asbestos Licensing Regulations.
40.A.5	Qualifications for Licensure – Individuals	Amended Specific Entry Requirements experience verification subsection.	Clarifies that documentation is required to show relevant mold remediator supervisor and mold inspector experience as defined in this chapter.
40.A.5	Qualifications for Licensure – Individuals	Amended Specific Entry Requirements experience verification subsection by striking the requirement that self-employed individuals may submit three completed mold inspections as proof of experience.	Specific entry requirements already include a method of entry through submitting completed mold inspections.
40.A.7	Qualifications for Licensure – Individuals	Amended Specific Entry Requirements training subsection to state that a certificate of completion for initial and all subsequent refresher mold training is required.	Clarifies that proof of subsequent refresher training is required in addition to proof of initial training.
40.B	Qualifications for Licensure – Individuals	Added a subsection that states the Board may issue a license to perform mold inspections or mold remediation to any applicant who is certified by a national or state professional mold inspectors or mold remediators association approved by the Board, provided that the requirements for the applicant's class of membership in such association at the time such membership was granted are substantially equivalent to the requirements established by the Board for all applicants.	This subsection was removed from the Reciprocity section (60.A) of this chapter and placed in the Qualifications for Licensure – Individuals section (40.B) because it does not meet the definition of reciprocity. In addition it is an optional entry standard established by the Board's enabling statute.
40.C	Qualifications for Licensure – Individuals	Struck the word "requisite" and replaced it with the word "required" in subsection C.	Amendment made for clarification.
60.A	Training Course Approval by Reciprocity	Removed the subsection that the Board may issue a license to perform mold inspections or mold remediation to any applicant who is certified by a national or state	This subsection was removed from the Reciprocity section (60.A) of this chapter and placed at the

		professional mold inspectors or mold remediators association approved by the Board, provided that the requirements for the applicant's class of membership in such association at the time such membership was granted are substantially equivalent to the requirements established by the Board for all applicants. In addition, the section title was amended to Training Course Approval by Reciprocity.	Qualifications for Licensure – Individuals section (40.B) because it does not meet the definition of reciprocity. In addition it is an optional entry standard established by the Board's enabling statute. The section title was amended to reflect the remaining section content.
60	Training Course Approval by Reciprocity	Amended section to use the defined term "substantially equivalent" rather than the undefined term "equal to or exceed". Also, amended the section to state that in order for a training provider to gain approval through reciprocity the requirements of the other state must be substantially equivalent to the Board's at the time the other state grants approval.	Amendment made to reflect definitions of this chapter and to clarify when training course approval by reciprocity may be granted.
70	Licensure by Reciprocity	Amended section title to use the word "reciprocity" instead of "comity". Also, amended section to use the terms "substantially equivalent" and "reciprocity". Finally, amended section to state "received by the Department" instead of "received in the Board's office".	Reciprocity and comity have the same definition in the Department's model regulations, but reciprocity is defined by this chapter and comity is not. Amendments made to clarify and reflect the definitions in this chapter.
130.D	Procedures for Renewal	Amended subsection D to specify that refresher training certificates shall only be used once to renew mediator supervisor and inspector licenses.	Remediator supervisor and inspector must complete refresher training yearly and therefore training certificates of completion may only be used once to renew their licenses, which also renew yearly. Remediator workers must complete refresher training every three years rather than annually. The provision does not apply to them.
140.A*	Qualifications for Renewal	Amended remediator worker refresher training to be required every 36 months instead of 24 months.	Based on Public Comment, the Board made this amendment because it feels worker refresher training every

			36 months is adequate to protect the health, safety and welfare of the public.
140.A,C,D	Qualifications for Renewal	Amended the terms “remediation supervisor” and “remediation worker” to “remediator supervisor” and “remediator worker”. Also, added the term “as appropriate” after the renewal requirement for proof of training in. (140.A) In addition, clarified that required training may be either initial or refresher as appropriate. (140.C) Finally, amended the section to use the term “renewal applicant” instead of “licensee”. (140.D)	Amendment made to correct improper use of license type. Mold remediator is defined in this chapter as an individual licensed by the Board to perform mold remediation. As appropriate was added to clarify that proof of training may or may not be required depending on what license type is being renewed. Clarified that either initial or refresher may be used to renew a license as appropriate. Clarified that during renewal, the regulant is referred to a renewal applicant rather than a licensee.
160.A.11*	Ground for Disciplinary Action	Struck ostensible ownership and added that failing to keep Board-approved training and license current is grounds for disciplinary action.	Ostensible ownership pertains to companies, not individuals. The Board does not have statutory authority over mold companies. Added that failing to keep Board-approved training and license current is grounds for disciplinary action to clarify that both must be current throughout the license cycle and not just at entry and renewal.
210.F.8*	Training Course General Requirements	Amended the requirement that remediator worker refresher training course certificates shall expire every 36 months instead of 24 months as proposed.	Based on Public Comment, the Board made this amendment because it feels worker refresher training every 36 months is adequate to protect the health, safety and welfare of the public.
220	Worker Course Requirements	Amended the term “remediation worker” to “remediator worker”. Amended section to state “relevant industry work practices and standards” throughout.	Amendment made to correct improper use of license type. Mold remediator is defined in this chapter as an individual licensed by the Board to perform mold

			remediation. Amended the phrase “relevant industry work practices and standards” to be consistent throughout the chapter.
230	Supervisor Course Requirements	Amended the term “remediation supervisor” to “remediator supervisor”. Amended section to state “relevant industry work practices and standards”.	Amendment made to correct improper use of license type. Mold remediator is defined in this chapter as an individual licensed by the Board to perform mold remediation. Amended the phrase “relevant industry work practices and standards” to be consistent throughout the chapter.
240.B.7,12 & C.1	Inspector Course Requirements	Amended section to state “relevant industry work practices and standards”. Amended the term “mold remediation plan” to “mold management plan and mold remediation protocol”.	Amended the phrase “relevant industry work practices and standards” to be consistent throughout the chapter. Amended “mold remediation plan” to clarify and reflect the term mold remediation as defined by this chapter.
270.A	Changes to approved training providers.	Amended the word “must” to “shall”.	Clarified that when a change of ownership takes place that the new owner is required to comply with the requirements of this chapter.
290.D	General Standards of Individual Practice and Conduct.	Struck the use of pronoun “he” in subsection D and replaced it with “the remediator or inspector”. Also, amended the phrase “of any requisite” to “from the appropriate”. Finally, struck the term “homeowner”.	The use of “remediator”, “inspector” and the phrase “from the appropriate” were all included for clarification purposes. The word “homeowner” was struck to be consistent within the chapter. In addition, the Board feels the term “building owner” encompasses “homeowner”.
300	Mold Remediator Worker	Amended the term “remediation supervisor” to “remediator supervisor”. In addition, amended the section title from “Mold remediation workers” to “Mold remediator worker”.	Amendments made to correct improper use of license type. Mold remediator is defined in this chapter as an individual licensed by the

			Board to perform mold remediation. In addition, section title was amended to say “worker” instead of “workers” for consistency with sections 310 and 320.
310.C,D	Mold Remediator Supervisor	Amended the term “remediation supervisor” to “remediator supervisor”. Amended the term “remediation scope of work” to “mold management plan and mold remediation protocol”.	Amendment made to correct improper use of license type. Mold remediator is defined in this chapter as an individual licensed by the Board to perform mold remediation. Amended “remediation scope of work” to clarify and reflect the definition of “mold inspection” as defined by the chapter. The definition includes the terms “mold management plan and mold remediation protocol”.
310.A*	Mold Remediator Supervisor	Added a requirement that the remediator supervisor shall inform the building owner or his agent, in writing, that a third party pre-remediation inspection and post-remediation inspection are both options.	Based on Public Comment, the Board feels that consumers should be made aware that a third party inspection, both before the remediation project begins and after the remediation project is complete, are both options. The Board feels the remediator supervisor should be held accountable for this action.
320	Mold Inspector	Struck language in opening paragraph.	This language was struck because it is repetitive. It is already found in the definitions and later in section 320.
320.4.k & 5	Mold Inspector	Amended the term “mold remediation plan” to “mold management plan and mold remediation protocol”. In addition, added language that states the mold management plan and mold remediation protocol shall be written “using documented methodologies that incorporate adequate quality control	Amended “mold remediation plan” for clarification purposes and reflect the term mold remediation as defined by this chapter. Based on Public Comment, the Board added the language “using documented

		procedures”.	methodologies that incorporate adequate quality control procedures” for clarification purposes.
320.4.h*	Mold Inspector	Added the word condition to the requirement at subsection 4.h.	Based on Public Comment, the Board feels the condition of mold is important and should be required in the inspection report.
320.1, 2*	Mold Inspector	The terms visual inspection and physical sampling were added to this section. In addition, air sampling requirements were added.	Based on Public Comment, the Board clarified the sampling requirements. This amendment to clarify includes differentiating between visual, physical and air sampling requirements as well as stating which are optional and which are not and how they must be carried out.
380.A*	Conflict of Interest	Amended this section to state that a remediator supervisor may not perform a remediation project if he or she has an employer/employee relationship with or financial interest in the inspector who conducted the inspection of the property unless the remediator supervisor discloses the relationship or financial interest to the building owner or his agent. A Department-generated disclosure form shall be signed and dated by the remediator supervisor and the building owner prior to the signing of any proposal or contract. Further amended the section by removing any reference to the “remediator worker”.	Based on Public Comment, the Board feels that the supervisor may have an employer/employee relationship or financial interest in the inspector, but that the relationship or interest must be disclosed to the building owner, in writing prior, to the signing of any proposal or contract. To further protect the health, safety and welfare of the public, the Board feels this disclosure should be on a Department-generated form, signed and dated by the supervisor and the building owner. Finally, the Board deleted “remediator worker” from the subsection because the worker follows the direction of the supervisor.
380.B*	Conflict of Interest	Amended this section to state that an inspector may not perform an inspection if he or she has an	Based on Public Comment, the Board feels that the inspector

		<p>employer/employee relationship with or financial interest in the remediator supervisor who conducted the remediation of the property unless the inspector discloses the relationship or financial interest to the building owner or his agent. A Department-generated disclosure form shall be signed and dated by the inspector and the building owner prior to the signing of any proposal or contract. Further amended the section by removing any reference to the “remediator worker”.</p>	<p>may have an employer/employee relationship or financial interest in the supervisor, but that the relationship or interest must be disclosed to the building owner, in writing prior, to the signing of any proposal or contract. To further protect the health, safety and welfare of the public, the Board feels this disclosure should be on a Department-generated form, signed and dated by the inspector and the building owner. Finally, the Board deleted “remediator worker” from the subsection because the worker follows the direction of the supervisor.</p>
380.C,D	Conflict of Interest	Amended the wording in subsections C and D.	Reworded subsections C and D to be more clear and concise.
390.F*	Responsibilities of a Licensee	Added that failing to keep Board-approved training and license current is grounds for disciplinary action.	Added failing to keep Board-approved training and license current is grounds for disciplinary action to clarify that both must be current throughout the license cycle and not just at entry and renewal.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Doug Hoffman, National Organization of Remediators and Mold Inspectors	18VAC15-60-10.1 – add “within a single air conditioning zone” due to the fact that 10 square feet, accumulated over a 10,000 office building would be dealt with differently	The 10 square feet standard is set by the Board's enabling statute. The Board has no authority to change the standard.

	<p>18VAC15-60-40.A.7 – add “or have passed a proctored examination by a board-approved nationally recognized certifying agency” due to the fact that a proctored examination should follow the training to verify not only attendance but comprehensive understanding of the materials in which they are trained.</p> <p>18VAC15-60-140.A - should state how many CEU hours are required</p> <p>18VAC15-60-320.2 – add “or meets the requirements for environmental labs as certified by the State of Texas” due to the fact that Texas is the only state that differentiates between environmental and blood labs and certifies environmental labs specific to mold issues.</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant’s class of membership are substantially equivalent to the requirements established by the Board. Proposed regulations 18VAC15-60-220.B.9, 18VAC15-60-220.C.2, 18VAC15-60-230.B.15, 18VAC15-60-230.C.3, 18VAC15-60-240.B.15 and 18VAC15-60-240.C.3 state that an examination is required for each initial and refresher training course completion.</p> <p>Refresher course hour requirements are stated at 18VAC15-60-220.C, 18VAC15-60-230.C, and 18VAC15-60-240.C.</p> <p>The Board requires samples to be analyzed by a lab that is accredited or certified by an organization that meets international program requirements established under ISO/IEC 17011. Any labs certified by Texas that meet this requirement will be recognized.</p>
<p>Sue Bradshaw, Oilkologia, Inc.</p>	<p>18VAC15-60-10.5 – requests considering ASTM E2418-06 Standard Guide for Readily Observable Mold and Conditions Conducive to Mold in Commercial Buildings: Baseline Survey Process Assessments</p> <p>8VAC15-60-20 – states Baseline Survey Process should be included.</p> <p>18VAC15-60-60.A – requests it be made clear which organizations will be approved by the board.</p> <p>18VAC15-60-240.8 – states that mold investigations are conducted in response to a water intrusion event, and previous inspection reports are likely not pertinent, if they even exist. States that mold is not asbestos and it does not remain</p>	<p>ASTM E2418-06 is one of many standards recognized by the mold industry. Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>The Board will approve all such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>The use of the term "likely not pertinent" suggests that previous inspection reports may be pertinent in some cases. For this reason the Board is making no amendment.</p>

	<p>in one place.</p> <p>18VAC15-60-320.1 – states that mold is not usually or always sampled during an investigation; observations of suspected mold by a trained investigator are sufficient to establish the presence of mold.</p> <p>18VAC15-60-320.3.h – states that locations of suspected mold should be recorded on a site diagram for inclusion in the report of finding, but the type is not usually important.</p>	<p>The Board clarified this section to state that visual assessment and physical sampling shall be conducted using documented methodologies that incorporate adequate quality procedures. Further it amended this section to state that the air sampling for the presence of mold is optional, but when performed shall be conducted using documented methodologies that incorporate adequate quality procedures.</p> <p>The use of the term "not usually important" suggests that there are situations when it is important. Fungi genera and occasionally species can be helpful in determining the cause of mold and the appropriate response actions for some locations. For these reasons the Board is making no amendment.</p>
<p>Susan Bradshaw, CMI</p>	<p>Re: 18VAC15-60-10. Exemptions from licensure requirement. Phase 1 environmental site assessments conducted in accordance . . .etc. What about ASTM E2418–06 Standard Guide for Readily Observable Mold and Conditions Conducive to Mold in Commercial Buildings: Baseline Survey Process assessments?</p> <p>Re: 18VAC15-60-20. Definitions. Baseline Survey Process should be included (see above note).</p> <p>Re: 18VAC15-60-60. Licensure or training course approval by reciprocity. The board may issue a license to perform mold inspections or mold remediation to any applicant . . . etc. Which organizations will be approved?</p> <p>Re: 18VAC15-60-240. Inspector course requirements. Pre-inspection planning and review of previous inspection records. Most mold investigations are conducted in response to a water</p>	<p>ASTM E2418-06 is one of many standards recognized by the mold industry. Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>The Board will approve all such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>The use of the term "likely not pertinent" suggests that previous inspection reports may be pertinent in some cases. For this reason the Board is making no amendment.</p>

	<p>intrusion event, and previous inspection reports are likely not pertinent, if they even exist. Mold is not asbestos—it doesn't stay in one place.</p> <p>Re: 18VAC15-60-320. Mold inspector. The sampling of mold shall be conducted using documented methodologies that incorporate adequate quality control procedures; Mold is not usually or always sampled during an investigation; observation of suspected mold by a trained investigator is sufficient to establish the presence of mold. 3 h. Location and type of all mold identified during inspection; Locations of suspected mold should be recorded on a site diagram for inclusion in the report of finding, but the type is not usually important.</p>	<p>The Board clarified this section to state that visual assessment and physical sampling shall be conducted using documented methodologies that incorporate adequate quality procedures. Further it amended this section to state that the air sampling for the presence of mold is optional, but when performed shall be conducted using documented methodologies that incorporate adequate quality procedures. The use of the term "not usually important" suggests that there are situations when it is important. Fungi genera and occasionally species can be helpful in determining response actions for some locations. For this reason the Board is making no amendment.</p>
<p>Colleen Becker, Marine Chemist</p>	<p>18VAC15-60-40.A.4 – states this would require individuals who have taken training previously and worked in the mold remediation field to retake an initial training course. There should be a mechanism to “grandfather” these individuals, or require them to take an examination or a one day refresher.</p> <p>18VAC15-60-40.A.4.c.(2).(a)(b)(c) – to be consistent with the current experience requirements of the asbestos regulations it should be so much experience or a certain number of mold inspections rather than and.</p> <p>18VAC15-60-60 – individuals with certain certifications: CIH, CSP, CMI, CIAQM, etc. should be “grandfathered” for licensing as professional standards and ethics</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. Proposed regulation 18VAC15-60-70 allows an applicant holding a license in another state to qualify for a license provided the requirements of that state are substantially equivalent to Virginia's regulation. Development of an appropriate grandfather examination would be time consuming and expensive.</p> <p>The Board will change the word "and" to "or" because either is an adequate entry standard.</p> <p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are</p>

	<p>would ensure that these certified individuals would be competent in this field.</p> <p>18VAC15-60-140 – refresher training should be an eight hour training course required every three years. To require anything more frequent that every three years put an unnecessary burden on employers and does little to ensure public health and safety.</p>	<p>substantially equivalent to the requirements established by the Board.</p> <p>The Board agrees that mold remediator worker refresher training should be required every three years and is making the suggested amendment. The hour requirement will remain at 4 hours. In addition, the Board is not amending the refresher training requirements for mold remediator supervisor and mold inspector.</p>
<p>Malvern Barrow, Servpro of Hanover, Goochland, Caroline (Comment Received on Town Hall)</p>	<p>States mold licensing requirements should be coordinated with other states such as Florida, Maryland, New York and Arkansas as these states have recognized the American Council for Accredited Certification (ACAC) Mold and Indoor Air Quality programs. States it is redundant to require additional classes, testing and time to get a license for all those who have obtained those certifications through ACAC of Institute of Inspection Cleaning and Restoration Certification (IICRC). States that the ACAC designations require extensive knowledge, field experience and require 40 hours of continuing education every two years to maintain certifications and are also accredited by the Council of Engineers and Scientific Specialty Board (CESB).</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. Proposed regulation 18VAC15-60-70 allows an applicant holding a license in another state to qualify for a license provided the requirements of that state are substantially equivalent to Virginia's regulation.</p>
<p>Malvern Barrow (Comment Received at Public Hearing)</p>	<p>Something should be done to address 18VAC15-60-10, the exemptions, as a surface area of 10 square feet of mold being taken care of with no license or inspection, when that area is opened up the cavity is full and you have exceeded the allowable amount of mold.</p> <p>Thinks Professional Engineers should not be exempt and should be held just as accountable as remediators and inspectors as they are not only dealing with moisture problems.</p>	<p>The 10 square feet standard is set by the Board's enabling statute. The Board has no authority to change the standard.</p> <p>The exemption is limited to the practice of Professional Engineering on projects requiring moisture correction. This exemption does not allow a Professional Engineer to inspect for or remediate mold without the appropriate license.</p>

	<p>Requests reciprocity or credit for the ACAC requirement of 40 hours of continuing education every two years as well as the IICRC requirement of two credits each year.</p> <p>18VAC15-60-60 should include ACAC and IICRC and a number of other providers for educational opportunities.</p> <p>Thinks there should be something in the Code to allow a policing of disciplinary actions in Part 6.</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board.</p> <p>The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>Complaints of violations of the Board's regulations are handled by the Department's Compliance and Investigations Division and, when appropriate, matured to the Board for disciplinary action.</p>
<p>Malvern Barrow (Comment Received on Town Hall)</p>	<p>All parties involved with mold need to show proper proof of insurance, including but not limited to: workers comp, general liability, errors and omissions and pollution liability insurance, prior to being licensed.</p> <p>Ethically the company who performs the clearance inspection should not be the same company performing the remediation.</p>	<p>The Board feels the decision to carry an insurance policy is a business decision best made by the regulant.</p> <p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>

	<p>Inspection and/or remediation companies should not be allowed to sell any type of equipment (air fresheners/filters) to the consumer other than their services.</p> <p>Overall cost per job will increase due to required courses, licensing, insurance, paper work, record keeping and testing.</p>	<p>Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>The Board for Asbestos, Lead, Mold, and Home Inspectors is compelled by Virginia law to create a regulatory program for mold remediators and inspectors. The Board appreciates the comment, but feels that the requirements established in the proposed regulations are necessary to protect the health, safety and welfare of the public.</p>
<p>John Taylor, Acquired Home Services, Inc. Mold Aid</p>	<p>Fully supports regulations – however a few changes are needed. Recommends the following:</p> <p>All mold inspectors should have experience or also be trained as home and building inspectors. Believes that the IICRC and Indoor Air Quality Association would agree that mold inspections require full knowledge of building science which may be accomplished by meeting the Home Inspector certification requirements.</p> <p>Regulations should address the responsibility home and building owners have to repair or disclose known problems as many mold infestations are called discolorations by banks and asset managers to avoid the proper remediation which can become costly and cause serious health problems.</p> <p>18VAC15-60-790 – states that this regulation is not practical as you cannot expect an indoor air quality remediation company to give a fixed price for remediation and offer a warranty to a client who had a write-up from a different company – no other industry operates like this. States this type of restriction is not</p>	<p>The Board thanks Mr. Taylor for his support.</p> <p>Comment provides no rationale for requiring home inspector or building inspector training. Training must be focused on mold remediation to assure those granted a license have minimum competency.</p> <p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board has no statutory authority over home and building owners.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator</p>

	<p>good for the home owner or the companies providing services as the remediation becomes too drawn out, too costly and may cause legal issues.</p>	<p>supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>William Spearman, Arrowhead Consulting, Inc.</p>	<p>States that in order to be licensed to provide remediation and inspection services individuals should have certifications required by ACAC as these certifications show that the inspector, remediator and/or the remediation supervisor have attended and passed a very in-depth training course which covers all aspects of the specific course subject. Without this knowledge an inspector or remediator would be lacking proper training.</p> <p>States that disallow testing and remediation by the same company is an unrealistic regulation which does not apply to any other industry. Indoor air quality companies should be able to inspect, write a scope of work and provide services for repair if properly qualified. This restriction would make an already complicated process unaffordable to the home and building owners and would cause legal issues that are not necessary as companies could blame each other in certain events.</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>S. Meier Remmington, VA</p>	<p>Does not agree with the regulation disallowing the company who identifies the mold infestation to perform the remediation work. Going through the entire process with one company from beginning to end is a better method for home owners. Home owners should be able to choose who they want to complete the inspection and work from a list of qualified individuals and/or companies. The company who identifies the problem, provides the scope of work should definitely be the company to provide the remediation services as well.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>

<p>Kevin & Jenny, Haymarket, VA</p>	<p>The choice of company to complete all work required should be up to the consumer – making consumers hire two companies to provide one home improvement will be complicated and cost additional fees and create problems. Good idea to have regulations though.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>John, Expert Witness Case – Fairfax VA Tenant, Landlord Dispute</p>	<p>States there should be better laws to protect families from renting homes with indoor air quality problems.</p>	<p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board has no statutory authority over home and building owners.</p>
<p>R. Christopher Spicer</p>	<p>Agrees with much of the content, but offers the following comments:</p> <p>18VAC15-60-20 – states there is no reference to industrial hygiene which is the accepted science and art devoted to the recognition, evaluation and control of occupational and environmental hazards – in a field where there are no fixed numerical health based “mold levels” the well recognized guidelines and publications from American Conference of Governmental Industrial Hygienists (ACGIH) and American Industrial Hygiene Association (AIHA) are essential. Not referencing ACGIH, AIHA and the industrial hygiene discipline will continue to promote building evaluation and/or remediation services that are not consistent with best practices and the latest technical information.</p> <p>18VAC15-60-320 – states the requirement to take samples and test mold runs contrary to virtually every recognized guideline in the field given that there are no fixed numerical health based standards for acceptable levels of mold.</p>	<p>The Board thanks Mr. Spicer for his support.</p> <p>The federal government has given no consensus or baseline of operation for the mold industry. ACGIH, AIHA and the industrial hygiene discipline offer guidelines, but are among the many standards and guidelines recognized by the mold industry. Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>The Board clarified this section to state that visual assessment and physical sampling shall be conducted using documented methodologies that incorporate adequate quality procedures. Further it amended this section to state that the air sampling for the presence of mold is optional, but when performed shall be conducted using</p>

		documented methodologies that incorporate adequate quality procedures.
Gene Ettinger, Genett Group, Inc.	Requests recognition of out of state licenses, experience and training certifications.	Proposed regulation 18VAC15-60-70 allows an applicant holding a license in another state to qualify for a license provided the requirements of that state are substantially equivalent to Virginia's regulation. Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board.
Shayne Cardwell, The Cardwell Group, LLC	<p>Is a firm believer that legislation for the mold industry is a very good thing which offers public protection.</p> <p>Requests reconsideration of the conflict of interest section of the regulations for the unintentional impact the current proposal would have on consumers in the Commonwealth including dragging out the remediation process and making it too costly.</p> <p>Training and education, including that of a third party confirmation at the end of a project, would be the best protection for the consumer, paired with licensing and insurance requirements. Lastly provide consumers with a path and process to bring grievance forward and a forum for the regulant to address the allegations.</p>	<p>The Board thanks Mr. Cardwell for his support.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>The Board feels that the licensing requirements established in the proposed regulations are sufficient to protect the health, safety and welfare of the public. The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board has no statutory authority over companies and home and building owners. Therefore, requiring a company to carry insurance is not within the realm of the board's authority. The Board feels the decision to carry an insurance policy is a business decision best made by the regulant. Complaints of violations of the Board's regulations are handled by the Department's Compliance and Investigations Division and, when appropriate, matured to the Board for</p>

		disciplinary action.
Steve Lowry, PBI Restoration Resources	Recommends the regulations provide language for firms to have certification by recognized trade associations, but not requiring homeowners to obtain third party inspections – allow homeowners the option. If homeowner chooses, then testing and clearance should be provided by a licensed and certified industrial hygienist. Have a requirement in the regulation to require a remediation firm’s contract explain this requirement and that the consumer has the right to a third party testing of the remediation project upon completion.	The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board has no statutory authority over home and building owners or over firms. A Certified Industrial Hygienist may perform testing and clearance if they hold a mold remediation inspector license issued by the Board.
William Felix, ESIS, Inc.	Recommends approving applications for persons that are already licensed by other state that have similar licensing requirements.	Proposed regulation 18VAC15-60-70 allows an applicant holding a license in another state to qualify for a license provided the requirements of that state are substantially equivalent to Virginia's regulation. Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board.
Perry Harrison	Agrees the regulations should be geared towards consumer protection. States that better enforcement of inexpensive contractors is necessary.	The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board has no statutory authority over home and building owners. Complaints of violations of the Board's regulations are handled by the Department's Compliance and Investigations Division and, when appropriate, matured to the Board for disciplinary action.
Arlene Slutzah	Thinks it would be an undue hardship for licensees to be required to take the proposed education courses as all have already taken the required education by IICRC and are certified. Suggests that any remediator be required to hold a current pollution insurance policy.	Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board feels the decision to carry an insurance policy is a business decision best made by the regulant.
Alan Neumann, Oikologia, Inc.	Page 536: 'lack of scientific evidence between mold exposure and health risks' –	Comment is on the Department of Planning and Budget's Economic Impact Analysis and is

	<p>over the past ten years, there have been numerous scientific investigations that indicate an association between exposure to fungal bioaerosols and allergic reactions, on-set of asthmatic episodes, and in a few unique medical situations, infection by specific fungi, such as aspergillosis and histoplasmosis.</p> <p>Page 536: ‘only Texas and Louisiana have regulatory mold remediation programs’ – the states of Maryland and Florida have regulations concerning mold remediation activities, including mold assessment activities, as does Texas. The state of Arkansas has regulations concerning mold assessment/inspection, also.</p> <p>Page 536: ‘prolonged mold presence could cause structural damage’ – fails to recognize the fact that most situations involve mold growth on building materials subsequent to prolonged water damage, and that the predominant molds are fungi that use cellulose as their main source of nutrition. Structural damage is commonly related to prolonged water damage (e.g., dissolution of gypsum board) and to wood rot fungi, not the sapstain or phylloplane fungi (molds).</p> <p>Page 537: ‘Mold Inspection’ – definition part iii should stipulate that analysis of a collected sample be confined to colorimetric or enzymatic tests performed on-site and not in a laboratory facility, to prevent confusion and conflict with the exclusion clause for lab technicians.</p> <p>Page 537: ‘Mold Inspection and Mold Inspector’ – I suggest substitution of the words Assessment and Assessor for inspection and inspector - similar to other state programs.</p> <p>Page 538: ‘Licensed Mold Inspector’ – change inspector to assessor and delete the reference to mold inspection near end</p>	<p>not a comment on proposed regulations.</p> <p>Comment is on the Department of Planning and Budget's Economic Impact Analysis and is not a comment on proposed regulations.</p> <p>Comment is on the Department of Planning and Budget's Economic Impact Analysis and is not a comment on proposed regulations.</p> <p>"Mold Inspection" is defined in the Board's enabling statute and the Board has no authority to change the term or definition.</p> <p>"Mold Inspection" and "Mold Inspector" are defined in the Board's enabling statute and the Board has no authority to change the term or definition.</p> <p>"Mold Inspector" is defined in the Board's enabling statute and the Board has no authority to change the term or definition.</p>
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	<p>of definition.</p> <p>Page 539: 'A.4.a. Mold remediator worker' – definition should stipulate that an applicant should provide proof of training by board-approved provider OR certification as a mold remediation worker by a recognized governmental agency or an independent industrial association that meets the accreditation standards set by the ANSI/ISO.</p> <p>Page 539: 'A.4.b. Mold remediator supervisor' – definition should stipulate that an applicant should provide proof of training by a board-approved provider OR certification as a mold remediation supervisor by a recognized governmental agency or an independent industrial association that meets the accreditation standards set by the ANSI/ISO.</p> <p>Page 539: 'A.4.c. Mold Inspector' – definition should stipulate that an applicant should provide proof of training by a board-approved provider OR certification as a mold assessor by a recognized governmental agency or an independent industrial association that meets the accreditation standards set by the ANSI/ISO.</p>	<p>ANSI/ISO is one of many standards recognized by the mold industry. Proposed regulation 18VAC15-60-40.A.4.a states that completion of a mold remediator worker course from a board-approved training provider is required for initial licensure. Proposed regulation 18VAC15-60-70 allows an applicant holding a license in another state to qualify provided the requirements of that state are substantially equivalent to as Virginia's regulation. Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board.</p> <p>ANSI/ISO is one of many standards recognized by the mold industry. Proposed regulation 18VAC15-60-40.A.4.b states that completion of a mold remediator supervisor course from a board-approved training provider is required for initial licensure. Proposed regulation 18VAC15-60-70 allows an applicant holding a license in another state to qualify provided the requirements of that state are substantially equivalent to as Virginia's regulation. Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board.</p> <p>ANSI/ISO is one of many standards recognized by the mold industry. Proposed regulation 18VAC15-60-40.A.4.c states that completion of a mold inspector course from a board-approved training provider is required for initial licensure. Proposed regulation 18VAC15-60-70 allows an applicant holding a license in another state to qualify for a license provided the requirements of that state are substantially equivalent to Virginia's regulation. Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state</p>
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	<p>Page 539: 'A.4.c.2.a/b. Mold Inspector' – education requirements should stipulate that an applicant provide proof a bachelor degree or higher, in building engineering, architecture, industrial hygiene, environmental science, or a biological science AND have experience...'. Mold and microbial assessment is not like asbestos and lead assessment, where a degree in the physical sciences would be more appropriate. Degrees in industrial hygiene, environmental science, and the biological sciences (biology, microbiology, mycology, medicine, etc.) would be similar to the recommendations of the NIEHS Mold Workers' Training Guideline of 2005.</p> <p>Page 541: 'Licensure or training approval by reciprocity' – how and when will the Board stipulate which organizations are approved under this section? Will the Board stipulate requirements for Board approval of certification agencies and programs?</p> <p>Page 544: 'Training course requirements D.' – Will the Board define what languages are permitted for training of Mold Remediator Workers or leave the language issue to the approved training providers?</p>	<p>professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board.</p> <p>The Board will add "environmental science" and "biological science".</p> <p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decision is a matter of public record.</p> <p>The proposed regulations are silent on any language requirement for mold remediator worker courses. Once a course is approved in English, the Board may approve the same course in other languages upon determining the non-English course is substantially equivalent to the English course.</p>
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	<p>Page 544: 'Worker course requirements B.' – I suggest that the Board consider specification that worker training conform to the recommended training requirements in the NIEHS Mold Workers' Training Guideline of 2005. A panel of selected subject matter experts recommended specific topics/requirements and time frames for training professional remediation workers. The training calls for 21 hours of training that includes classroom lecture, demonstrations, and practical exercises, plus an examination of student comprehension. The USEPA has also published recommendations for remediation worker training. These would provide a baseline for training providers and the Board.</p> <p>Page 545: 'Worker course requirements B.' – the NIEHS training guidelines also provide for students who can provide evidence of training in use of PPE and installation of engineering controls to receive training in mold, minus the training in PPE and engineering controls. This would afford time and cost efficiencies, as long as prior training documentation is verified.</p> <p>Page 545: 'Supervisor course requirements B.' – Training for supervisors should include same topics as the remediator worker, unless the applicant/student can provide proof of knowledge/training in remediation work practices, in addition to those topics listed in the draft regulations.</p> <p>Page 545-6: 'Mold Inspector (Assessor) course requirements B.' – The inspector/assessor must have greater knowledge of building science and microbes that the workers or supervisors, but must comprehend the requirements for remediation work practices, worker safety, and public safety. Inspectors (assessors) must also have knowledge of other hazards such as asbestos-containing</p>	<p>NIEHS is one of many standards recognized by the mold industry. Nothing in these regulations prohibits a training provider from using material from established training courses provided the material covers the Board's training requirements.</p> <p>Given the importance of PPE and engineering controls, allowing a waiver based on other training is not in the best interest of regulants. The Board feels their training course requirements are necessary and sufficient to protect the health, safety and welfare of the public.</p> <p>The supervisor course as proposed includes all of the worker topics.</p> <p>The Board appreciates the suggestion, but feels their training course requirements are sufficient to protect the health, safety and welfare of the public. Nothing in these regulations prohibits a training provider from using material from established training courses provided the material covers the Board's training requirements.</p>
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	<p>materials, lead-based paint, and other materials that may be encountered during remediation. The training topic requirements should be reconsidered and expanded. Other states require 40 to 60 hours of documented training in mold and remediation procedures.</p> <p>Page 547: 'Remediator supervisor duties C.' – The mold remediator supervisor is required to follow the remediation scope of work; however, I have not found a clear declaration of who is responsible for developing the remediation scope of work or remediation protocol. Texas regulations specify that a Mold Assessment Consultant develop/approve a remediation protocol and the remediation contractor develops a scope of work from the protocol in order to define the contract with the client. The Virginia Landlord-Tenant Act specifies that remediation can be performed by following the USEAP, HUD, or IICRC guidelines for mold remediation OR a protocol written by an IH (without defining IH).</p> <p>Page 548: 'Inspector duties 3.k.' – An inspector will provide a client with a mold remediation plan, if the contract stipulates such. Again the question is for clarification of who develops the remediation plan/protocol or scope of work for the remediator supervisor to follow.</p> <p>Page 548: 'Inspector duties 5.' – An inspector will perform a post-remediation verification – this should stipulate either a verification of remediation completion OR an evaluation of remediation effectiveness that is intended to indicate that the structure</p>	<p>The definition of "mold inspection" at § 54.1-500 includes the development of a mold management plan or mold remediation protocol. Proposed 18VAC15-60-320.3.K requires the mold inspector to prepare the mold remediation plan, if contracted to do so by the building owner or agent. The regulation language is being amended to conform with the Board's enabling statute by using the terms "mold management plan" and "mold remediation protocol". The client may not want to remediate the mold or the inspection may determine that no mold is present.</p> <p>The definition of "mold inspection" at § 54.1-500 includes the development of a mold management plan or mold remediation protocol. Proposed 18VAC15-60-320.3.K requires the mold inspector to prepare the mold remediation plan, if contracted to do so by the building owner or agent. The regulation language is being amended to conform with the Board's enabling statute by using the terms "mold management plan" and "mold remediation protocol". The client may not want to remediate the mold or the inspection may determine that no mold is present.</p> <p>The proposed language requires a verification using documented methodologies which could include the suggested IICRC S520.</p>
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	<p>has been returned to “normal fungal ecology” (which is defined by the IICRC S520 and should be included in the definitions section of the regulations.</p> <p>Page 548: ‘Inspector duties 3.k.’ – An inspector will provide a client with a mold remediation plan. The Board should stipulate the required components of a plan or protocol such as PPE, engineering controls, coordination between facility owner/manager and contractor, general safety plans, work practices, use of microbicides, and criteria for evaluating remediation work effectiveness.</p> <p>Page 548: ‘Inspector duties 5.b.’ – The Board should stipulate that criteria for evaluation of remediation effectiveness should be promulgated in advance of the evaluation.</p> <p>Page 549: ‘Conflict of Interest.’ – I agree with the Board.</p> <p>The Board might consider ASTM standard E2418-06 as standard for conduct of mold inspections (assessments) and the Freddie Mac Environmental Guidelines 2-06 for environmental inspection report format.</p>	<p>The proposed definition of "mold inspection" at 18VAC15-60-20 includes the development of a mold management plan or mold remediation protocol. The Board is amending 18VAC15-60-320.3.K to require that the mold management plan and mold remediation protocol follow documented methodologies that incorporate adequate quality control procedures.</p> <p>The criteria for evaluating remediation effectiveness is the same as the criteria for an inspection.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>ASTM E2418-06 is one of many standards recognized by the mold industry. Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p>
<p>Tim Gardner,</p>	<p>States that disallowing mold testing</p>	<p>The Board will amend its proposed regulations</p>

<p>Inspecx – Goldstar Services</p>	<p>and remediation by the same company is an unrealistic regulations that doesn't apply to any other industry. Indoor air quality companies should be able to inspect, write a scope of work and provide services for repair if properly qualified to do so. This restriction would make the remediation process unaffordable to the homeowner and could also cause legal issues that could otherwise be avoided.</p>	<p>to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>Consumer</p>	<p>Having previous experience dealing with mold testing and remediation supports the conflict of interest section which does not allow the testing company to also be the remediation company. Also noted that the IICRC supports this restriction as well.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>Mold Remediation Consumer</p>	<p>Agrees with the conflict of interest restriction – states that the company finding the mold should be able to write a scope of work and do the remediation but not the post remediation clearance testing.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>Tenant of Consumer</p>	<p>Suggests the Board consider new legislation passed in the Tenant Landlord Act allowing mold companies and a residential</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or</p>

	<p>landlord complete remediation and then pass the responsibility to the tenant upon lease signing including property and belongings of the tenant. States a third party clearance test could be beneficial in the scenario for future disputes of the initial remediation.</p>	<p>financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>Consumer</p>	<p>States that remediation job as it was explained was not delivered.</p> <p>Described an experience but made no specific comment pertinent to the proposed regulation.</p>	<p>The standards set forth in the proposed regulations shall be followed by all regulants. Failure to do so could result in disciplinary action. Complaints of violations of the Board's regulations are handled by the Department's Compliance and Investigations Division and, when appropriate, matured to the Board for disciplinary action.</p>
<p>David Stough</p>	<p>States that allowing the same company to perform remediation and a clearance inspection would be unwise and potentially harm the citizens of the Commonwealth. States the ANS/IICRC S-520-2008 Second Edition of "Standard and Reference Guide for Professional Mold Remediation" would be a good reference as virtually all professional companies in the US must follow this guide when performing residential remediation. Notes that this guide states an IEP engaged to perform pre-remediation assessment or post-remediation verification should be independent of the remediator.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>Cheryl Wisecup, Global Indoor Health Network</p>	<p>Supports the comment that States that allowing the same company to perform remediation and a clearance inspection would be unwise and potentially harm the citizens of the Commonwealth.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to</p>

		notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.
Tracy	Describes her mold remediation experience and, as a result, supports third-party clearance testing.	The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.
Tracy	Describes her mold remediation experience and, as a result, supports third-party clearance testing. Other comments not pertinent to the proposed regulations.	The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.
Consumer/ Company	States that without the following training and certifications it isn't possible to properly perform a residential or commercial remediation project: WRT, AMRT, CIE and Home/Building Inspection Certifications. In order to provide a certified scope	Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public. The Board feels the proposed training requirements are sufficient to protect the health, safety and welfare of the public. Comment does not indicate a problem that is

	<p>of work requires the following knowledge: understanding of the water restoration industry; understanding of microbial contamination; and understanding of building science, construction and inspection techniques.</p> <p>States that one company needs to manage the inspection, scope of work and implementation of that scope of work for a project to run smoothly and be affordable to the consumer. Also states that consumers should hire a third party for clearance testing when necessary but as a standard two companies should not run a single project.</p> <p>States that certification for remediation should include the above training for supervisors. Workers need a certification comparable to CMP or CMT and companies should be properly insured.</p>	<p>solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>The Board appreciates the suggestion, but feels that the experience and training requirements established in the proposed regulations are sufficient to protect the health, safety and welfare of the public. The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board has no statutory authority over companies and home and building owners. Therefore, requiring a company to carry insurance is not within the realm of the board's authority. The Board feels the decision to carry an insurance policy is a business decision best made by the regulant.</p>
<p>Professional IEP Mold Law Input</p>	<p>States that the small number of consumer complaints shows that the Mold industry has been running well without state regulation.</p> <p>States that having a general mold law requiring companies to be certified is a good idea but forcing two separate companies to work</p>	<p>The Board for Asbestos, Lead, Mold, and Home Inspectors is mandated by Virginia law to create a regulatory program for mold remediators and inspectors.</p> <p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board will amend its proposed regulations</p>

	<p>together to service one project is confusing and will make the services provided unaffordable. States that requiring one company to create a scope of work and another perform could create a legal nightmare. Consumers should get a third party clearance test completed at the end of remediation.</p> <p>States the only thing needed is a resource for consumers to find certified mold providers and a resource for consumers to complain.</p> <p>Educating consumers and ensuring a proper disclosure in the real estate market should be a large portion of this regulation to protect people from unknowingly buying or renting a moldy home.</p>	<p>to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>The Board for Asbestos, Lead, Mold, and Home Inspectors is compelled by Virginia law to create a regulatory program for mold remediators and inspectors.</p> <p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The real estate industry is regulated by the Virginia Real Estate Board.</p>
<p>A Remediator</p>	<p>In support of mold licensing and regulation.</p> <p>States that independent IH and IEP should do pre-screening, provide a protocol and/or do the post remediation evaluation.</p>	<p>Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public. In addition, proposed language does not prohibit a pre-screening or background sample.</p>
<p>Eric McKee, McKee Environmental,</p>	<p>States that raising the level for some mold inspectors and remediators in VA is long overdue</p>	<p>The Board thanks Mr. McKee for his support.</p>

<p>Inc.</p>	<p>and some form of regulation is welcome with the hope that the result will be to raise the bar for professionalism in the industry as well as industry standards for inspections and remediations.</p> <p>Encourages the use of the Council of Engineering and Scientific Specialty Boards (CESB) accredited environmental certification programs as a basis for licensee's educational requirements.</p> <p>Mold assessments require careful, sensible, knowledgeable and "court defensible" professional judgment and as the regulations are written currently it seem to regress Virginia's education requirements to what the industry had 15 to 20 years ago. Inspectors need far more experience and training than remediators.</p> <p>States that a one day training course is not sufficient and doesn't supplement years of experience, knowledge and professional training. Many accredited prep/training courses for the accredited certification programs are weeklong extensive classes with hands-on work-shops. Other states recognize accredited certification programs from the ACAC and others for mold inspection and remediation professionals and Virginia should as well.</p> <p>With the goal of regulation being</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>The Board appreciates the suggestion, but feels that the experience and training requirements established in the proposed regulations are sufficient to protect the health, safety and welfare of the public.</p> <p>The Board appreciates the suggestion, but feels that the experience and training requirements established in the proposed regulations are sufficient to protect the health, safety and welfare of the public. Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>The exemption is limited to the practice of</p>
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	<p>safe and effective remediation exemptions are not a good idea. Engineers are not fluent on the health risks associated with mold damage and should not be exempt from regulation.</p> <p>Lowering the bar on inspector and remediator qualifications to below industry standards may well lead to a trend in property value decline due to poorly inspected and remediated water/mold damage restoration. Raising the standards will encourage insurance and property management firms to accept that Virginia’s regulations are solid with industry standards.</p> <p>There is no way to determine a “safe” amount of mold which doesn’t require proper remediation with professional intervention and both science and experience.</p>	<p>Professional Engineers on projects requiring moisture correction. This exemption does not allow a Professional Engineer to inspect for or remediate mold without the appropriate license.</p> <p>The Board appreciates the suggestion, but feels that the experience and training requirements established in the proposed regulations are sufficient to protect the health, safety and welfare of the public. There is nothing in the proposed regulations prohibiting an individual from seeking additional training.</p> <p>The Board appreciates the suggestion, but feels that the experience and training requirements established in the proposed regulations are necessary and sufficient to protect the health, safety and welfare of the public.</p>
<p>Eric McKee, McKee Environmental, Inc.</p>	<p>Questions how 18VAC15-60-10.2 interacts with the Landlord and Tenant Act.</p> <p>Does not support a training exemption for CIHs. States that industry experts in water damage and microbial assessments (the current accredited industry experts) are the only individuals not being exempted from the training requirement.</p>	<p>18 VAC15-60-10.2 exempts, from these proposed Mold Inspector and Mold Remediator Licensing Regulations only, an owner or a managing agent or employee of an owner performing mold remediation on the owner’s residential property, provided such property contains no more than four residential dwellings. The proposed regulation does not exempt anyone from the requirements of the Landlord and Tenant Act.</p> <p>The proposed regulations do not include an exemption for CIHs. However, proposed regulation 18VAC15-60-60.A allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant’s class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation.</p>

	<p>States that plumbers, drywallers, carpenter, HVAC professionals, TABB contractors, electricians, duct cleaner, etc. should be required to complete mold training.</p>	<p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. Contractors and Tradesmen are regulated under the Board for Contractors.</p>
<p>Paul Ramsey, RTS Environmental Services, Inc.</p>	<p>States that a conflict of interest is only created when those performing inspections are dishonest when providing an inspection which creates a confusing or lengthy report forcing the client to think there is a significant mold issue when in fact there is not and the client did not request such a report. Separating the inspection and remediation portions of a job is not going to help the industry or consumer but cause those who don't have proper education and experience to cause confusion and misinformation. Regulate without unrealistic constraints. Provide proper information to the consumer on understanding what a true conflict of interest is. Investigate those who are practicing at less than ethical standards and keep the public apprised of actions taken against licensees.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>Aaron K. Trippler, American Industrial Hygiene Association</p>	<p>Believes the exemptions should be expanded to include certified industrial hygienists performing preliminary inspections of possible moisture related problems.</p> <p>Recommends certified industrial hygienists be defined as recognized in Virginia statute, Title 40.1, Chapter 9.</p> <p>Believes the entry standards are much too low but recognizes the attempt to allow licensure to as many individuals as possible. With that, individuals who have far exceeded the minimum entry requirements should be exempted from having to attend additional training prior to becoming licensed.</p>	<p>Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>Comment does not indicate a problem that is solved by this amendment or how the absence of this amendment would cause a hazard to the public.</p> <p>The Board appreciates the comment, but feels their entry standards are sufficient to protect the health, safety and welfare of the public.</p>

	<p>Recommends adding a section to Part III of the regulations to allow for “Individuals, such as Certified Industrial Hygienists, Certified Safety Professionals, Certified Indoor Environmental Consultants, and others approved by the Board, holding certifications from nationally recognized accredited bodies be exempt from having to attend an initial training course for licensure. Such individuals shall, however, not be exempt from having to pass the training course examination” as this exemption provides the state with proof that individuals have the education and experience required. If the Board approves the exemption of allowing those already deemed as having met the minimum qualifications for licensure, Part III – Entry – Licensure or training course approval by reciprocity, would not be needed in the Board’s regulations. If the earlier approach is not supported by the Board the following language is recommended to amend Part III – Entry – Licensure or training course approval by reciprocity: “The board may issue a license to perform mold inspections or mold remediation to any applicant who is certified by a nationally recognized accredited organization if that organization is approved by the board. Such organizations must show minimum acceptable requirements for certification in those areas the board believes are equal to or exceed the requirements established by the board for all applicants.”</p> <p>Part IX – Standards for conducting mold inspection and remediation activities – mold inspector should include the following language: “Collected mold samples shall be sent to a laboratory capable of performing mold analysis that is accredited or certified by an organization that meets</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant’s class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization’s approval. The Board’s decisions are a matter of public record.</p> <p>The proposed regulations include this language at 18VAC15-60-320.2.</p>
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	<p>international program requirements established under ISO/IEC 17011.”</p> <p>Supports language to be included in Part X – General standards of practice and conduct – conflict of interest prohibiting individuals or companies involved in mold inspections or remediations from performing inspections, assessments, and remediations on the same project or recommending such to any individual or company in which the individual has a financial interest.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>Kimberly Dingleline, Dominion Due Diligence Group</p>	<p>Would like to see mold licensure training requirements to acknowledge existing ACIC certifications.</p>	<p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p>
<p>Mary E. Clancy, Environmental Dynamics, Inc.</p>	<p>Education and stringent credentialing requirements for environmental professionals provides the most protection for the public. Doesn't feel this legislation is in the public's best interest as other states with a conflict restriction have shown very prolonged remediation projects due to the restriction.</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>James M. Noto, Metro Test and Balance, Inc.</p>	<p>Agrees with mold testing and remediation being regulated. Would like to see the same for indoor air quality testing.</p>	<p>The Board thanks Mr. Noto for his support. The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation.</p>
<p>Suzanne Lowman, Work Environment</p>	<p>Support the requirement of a six month apprenticeship type experience prior to application for</p>	<p>The Board will change the word "and" to "or" because either six months experience or the required number of inspections</p>

<p>Associates, Inc.</p>	<p>licensure as a mold inspector.</p> <p>Strongly support the conflict of interest language that specifies mold inspectors and remediators/workers/supervisors cannot be one in the same.</p> <p>Does not believe a refresher course should be required for mold inspectors due to the limited amount of change in research in mold and asks for a the 24 month language from the supervisor requirements for refresher classes be designated for inspectors as well.</p>	<p>is an adequate entry standard.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>The Board appreciates the suggestion, but feels the proposed required hours of refresher training for mold inspector and mold remediation supervisor are necessary and sufficient to protect the health, safety and welfare of the public. The Board feels that mold remediation worker refresher training should be required every three years and is making an amendment. The hour requirement will remain at 4 hours for mold remediation worker.</p>
<p>Ron Herrera</p>	<p>Recommends trained mold remediation supervisors, workers and mold inspectors working on their own facilities are allowed to train other individuals in their organization on safe mold remediation work practices.</p> <p>Recommends individuals performing work on their own facility not be required to be licensed and as well as individuals employed by them.</p>	<p>Anyone may provide mold training as long as they are approved as a training provider by the Board.</p> <p>The exemption for an owner or managing agent or employee of an owner performing mold inspection or mold remediation on the owner's residential property, provided the property contains no more than four residential dwelling units is set by the Board's enabling statute. The Board has no authority to change or expand the standard.</p>
<p>John Putnam, Environmental Dynamics, Inc.</p>	<p>The proposed regulation attempts to define the amount of yearly training in individual needs to stay competent as a mold professional. Certifications from national organizations such as ACAC require continuing education and those certification organizations should be the ones to decide when</p>	<p>The Board feels the proposed required hours of refresher training for mold inspector and mold remediation supervisor are necessary and sufficient to protect the health, safety and welfare of the public. The Board feels that mold remediation worker refresher training should be required every three years and is making an amendment. The hour requirement will remain at 4 hours for mold remediation</p>

	<p>and how much continuing education is required.</p> <p>The regulation takes away the homeowner's or business owner's right to choose who is going to resolve his or her mold issue – it should be up to the client who performs the remediation.</p>	<p>worker.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p>
<p>David McElwey</p>	<p>The hospital industry routinely performs mold sampling and remediation work as a part of their nosocomial inspections program and this practice should be included in the exemptions section of the regulations.</p> <p>Recommends CIHs currently in good standing as certified by the American Board of Industrial Hygiene, who in the course of their work, do mold and indoor air quality work also be exempted from the training requirement.</p>	<p>The exemptions are set by the Board's enabling statute and the Board has no authority to change or expand the standard.</p> <p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would</p>

	<p>A licensing and training requirement should be added for pesticide license holders as they frequently perform moisture testing.</p> <p>Page 32 – Paragraph D – Lines 9 – 12: As the most common occurrence of mold may come from plumbing emergencies – can plumbers remove debris? If the presence of mold is highly suspect – what is the contracting relationship requirement if the prime plumbing contractor subs the clean-up to a mold remediator and inspector? Any prior notice to a building/occupant/owner for this emergency clean-up and remediation from a plumbing leak? Is the <10sq ft rule for determination of remediation?</p> <p>Page 33 – Lines 21 – 23: The AIHA developed an environmental microbiological proficiency monitoring program (EMPAT) specifically for mold sampling which should be included.</p> <p>Page 37 – Paragraph D – Lines 11 – 14: In the event the Board elects</p>	<p>require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>18VAC15-60-10 exempts from licensure any individual applying chemicals to a wood structure for the sole purpose of controlling wood-destroying pests in compliance with the Virginia Pesticide Control Act. The Board's authority is limited to mold inspection and mold remediation and has no authority over pesticide activities.</p> <p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The proposed regulations do not include an exemption for plumbers. An exemption is included for an individual performing mold remediation in an area in which the mold contamination for the total project affects a total surface area of less than 10 square feet.</p> <p>The Board requires samples to be analyzed by a lab that is accredited or certified by an organization that meets international program requirements established under ISO/IEC 17011. Should EMPAT meet this requirement it will be recognized.</p> <p>Comment does not indicate a problem that is solved by this amendment or how the absence</p>
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	<p>to use contractors or technical experts, these “representatives of the Board” should be mentioned in the definitions.</p>	<p>of this amendment would cause a hazard to the public.</p>
<p>April G., Professional Real Estate Broker</p>	<p>Agrees that requiring multiple companies to work together on one project is not feasible.</p> <p>Proper training and Industry standard certifications should be required no matter the cost in order to protect the public health.</p> <p>Proper insurance should be required.</p> <p>Companies should understand all aspects of the industry from testing and inspections to remediation and potential for health risks. Real estate disclosures should be looked at to protect consumers. Appraisers should not be allowed to over-look mold problems. Banks should be required to clear homes that they own. Banks should be required to post warnings on foreclosures that have mold to protect agents and clients from entering a poor environment unprotected.</p> <p>Successful indoor air quality</p>	<p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediation supervisor. In addition, the mold remediation supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>The Board feels its proposed training requirements are sufficient to protect the health, safety and welfare of the public without unnecessary intrusion into the conduct of commerce.</p> <p>The Board feels the decision to carry an insurance policy is a business decision best made by the regulant.</p> <p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. The Board has no authority over real estate transactions, appraisers and banks.</p> <p>The statutory authority given to the Board is</p>

	companies that have “all” the proper certifications should be interviewed as part of the regulations process.	limited to the regulation of individuals who perform mold inspection and remediation. However, Board and Committee Meetings are open to the public and a public comment agenda item is always included. In addition, anyone may submit comment during the public comment phases of the regulatory process.
Nikki	Describes her mold remediation experience and, as a result, supports third-party clearance testing. Other comments not pertinent to the proposed regulations.	The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.
Nikki	Describes her mold remediation experience and, as a result, supports third-party clearance testing. Other comments not pertinent to the proposed regulations.	The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.
Greg Weatherman	Remove conflicts of interest when you can. The VA USBC requires an architect or engineer for a fire rated assembly in a building exceeding a certain amount of floors.	The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310

	<p>Make everyone carry insurance specific to microbial inspection for inspector or assessors. Make mold remediators carry insurance specific to microbial remediation. The insurance carriers will make sure the market gets corrected at no cost to the state of Virginia because Mold Aids business model will leave them with no insurance. Insurance carriers will demand ACAC or similar certifications for insurance. The ACAC will cut people loose for violating the "code of conduct" when a consumer or other certificate holder makes a valid complaint. This is another example of how the market corrects the problem with little regulation or cost in Virginia.</p> <p>Construction companies and insurance restoration firms need to be able to respond to water damage with small amounts of mold when the source and locations are obvious to the naked eye.</p> <p>Don't try to regulate how a remediation job is done as far as test methods or remediation. Different structures have different problems. Some customer have health problems and some don't. Some test methods may work in some circumstances but, better test methods may be necessary when there are no visual clues. Please read my chapter in "Surviving Mold" at www.survivingmold.com.</p> <p>Other comment not pertinent to proposed regulation.</p>	<p>will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>The Board feels the decision to carry an insurance policy is a business decision best made by the regulant.</p> <p>The statutory authority given to the Board is limited to the regulation of individuals who perform mold inspection and remediation. An exemption is included in the proposed regulation for an individual performing mold remediation in an area in which the mold contamination for the total project affects a total surface area of less than 10 square feet.</p> <p>The Board feels its Standards for Conducting Mold Inspection and Remediation Activities are necessary and sufficient to protect the health, safety and welfare of the public.</p>
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<p>Greg Weatherman</p>	<p>All inspectors and mold remediation supervisors should be certified with the ACAC or any organization accredited by the CESB (www.cesb.org) for that work.</p> <p>Workers are a problem due to high turnover and should not be licensed. For workers, you can say certified by ACAC, IICRC or have AHERA training or similar training since they are taught how to use PPE, avoid cross-contamination and some environmental laws.</p> <p>Insurance is important. No one should be doing work they are not insured to do for a minimum of \$1,000,000.00. Unless the company or person is professionally insured for microbial investigations, no one should be doing any professional acts which are excluded in the general commercial liability policy for testing, inspecting, giving opinions, writing a scope of work, etc. The American Counsel of Accredited Certifications (www.acac.org) has good information about this fact and they list companies carry insurance so the public can judge for themselves. Insurance carriers look at each company's standard operating procedures, redacted reports and redacted contracts to assess legal risk. Insurance carriers can do the heavy lifting to protect the consumers since the insurance carriers may have to pay damages. This saves the state government valuable resources in tough economic times.</p> <p>Conflicts of interest: VA has a form used in asbestos and lead regulations that could be used for mold remediation. The consumer should sign the form waiving the right to complain as long as the form adequately tells them the dangers. The inspectors and</p>	<p>ACAC is one of many standards recognized by the mold industry. The Board feels its licensure requirements, including training requirements, are sufficient to protect the health, safety and welfare of the public.</p> <p>The Board's enabling statutes mandates that it license workers. The Board feels its licensure requirements, including training requirements, are sufficient to protect the health, safety and welfare of the public.</p> <p>The Board feels the decision to carry an insurance policy is a business decision best made by the regulant.</p> <p>The Board will amend its proposed regulations to state that a mold supervisor must disclose, to a building owner or his agent, their employer/employee relationship with or financial interest in a mold remediation inspector. Similarly the mold remediation inspector must disclose a relationship with or financial interest in a mold remediator</p>
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	<p>contractors should be made to keep a copy on file 5 years since I have had lawsuits that take that long to reach disposition. Electronic copies would be fine with today's technology. Insurance is very important.</p> <p>Please make ACAC the testing resource for licensing whether someone has a certification though anyone else since the ACAC has testing specific for indoor microbial problems. A CIH still needs to show they have some command of the subject matter beyond having skimmed a few pamphlets while really being an expert in chemistry or other areas of industrial hygiene. The tests are college level tests which will show if the inspector or supervisor really has command of the subject material.</p> <p>There is wording in the regulations for asbestos and lead contractors where a licensee can lose their license for failing to report a situation they know is illegal. We need the same thing with mold.</p> <p>To protect the consumer, all reports should state (a) why the mold situation is a concern, (b) what is the water source that allowed the mold condition, (c) how to correct the moisture problem or engineer to consult, (d) what labs were used with actual lab reports, (e) a scientific literature source to base their opinion or, (f) the professional experience or academic source for the opinion. Consultants should not</p>	<p>supervisor. In addition, the mold remediator supervisor requirements at 18VAC15-60-310 will require the mold remediation supervisor to notify, in writing, the building owner or his agent that a third party pre-remediation inspection and a third party post-remediation inspection are both options.</p> <p>Proposed regulation 18VAC15-60-60.A already allows an applicant certified by a national or state professional organization to qualify for a license provided the requirements for the applicant's class of membership are substantially equivalent to the requirements established by the Board. The Board will approve such organizations that meet the standards established by regulation. Enumerating them in the regulation would require a regulation amendment every time the Board grants or withdraws an organization's approval. The Board's decisions are a matter of public record.</p> <p>18VAC15-60-330 compels the licensee to inform the employer or client of possible consequences when health, safety, property or welfare of the public is endangered and notify the appropriate authorities if the situation is not resolved. Complaints of violations of the Board's regulations are handled by the Department's Compliance and Investigations Division and, when appropriate, matured to the Board for disciplinary action.</p> <p>The Board feels its requirements of the mold inspector at 18VAC15-60-320.3 are sufficient to protect the health, safety and welfare of the public.</p>
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	<p>be able to claim the Myxomycetes from the outdoors in low numbers is cause to run for the hills while a landlord looses' a tenant and incurs major expenses unfairly for a second home away from his job.</p> <p>Need to protect the consumers with licensing and insurance.</p>	<p>The Board feels the decision to carry an insurance policy is a business decision best made by the regulant.</p>
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All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

Please note: Registrar's Office renumbered the sections and removed the Scope (previous section 10) prior to Proposed Stage publication in the Register.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10	Exemptions	<u>Virginia Pesticide Control Act (3.2-3900 et seq. of the Code of Virginia)</u>	Specifies the individuals who are not required to possess a license as a mold inspector or remediator based on specific circumstances including those individuals operating in compliance with the Virginia Pesticide Control Act.
20	Definitions		Includes definitions established in statute as well as those relevant to the regulations
30	Application Procedures		Specifies the process by which individuals submit license applications to the Department for approval including the Board's authority to make further inquiry into an applicant's eligibility for licensure.
40	Qualifications for Licensure-Individuals		Specifies the requirements of experience, education, and training for initial licensure. The language also specifies procedures related to applicants with prior disciplinary or criminal history.
50	Qualifications for Approval as a Mold Training Provider		The Board is authorized to approve specific examinations which an applicant must pass for licensure. It achieves this through the approval of any person that submits a complete application to become a mold training provider. This section outlines the requirements for a person to become an approved mold training provider that may

			train and examine applicants.
60	Training Course Approval by Reciprocity		This section specifies the Board's requirements for approving a training provider by recognizing that training provider's satisfaction of the requirements in another state that were similar to Virginia's requirements at the time the approval was issued in the other state.
70	Licensure by Reciprocity		This section specifies the Board's requirements for licensing an individual by recognizing that individual's satisfaction of the requirements in another state, the District of Columbia, or any territory or possession of the United States, that were similar to Virginia's requirements at the time the license was issued in the other state.
80	Application Denial		This section specifies the Board's authority to deny an application.
90	General Fee Requirements		This section establishes the Board's determination of the timely payment of a fee, to whom the fee should be paid, and that all fees are non-refundable.
100	Application Fees		This section specifies the fees for an initial application for licensure.
110	Renewal Fees		This section establishes the fees for renewed licenses.
120	Renewal Required		This section establishes the expiration date of a license.
130	Procedures for Renewal		This section establishes renewal procedures including notification of the licensee, address maintenance, and the establishment of time frames for determining late renewal.
140	Qualifications for Renewal		This section establishes the criteria for a license to be renewed.
150	Board Discretion to Deny Renewal		This section establishes the Board's authority to deny a license renewal.
160	Grounds for Disciplinary Action		This section specifies the Board's authority for refusing to issue a license to an applicant, disciplining a licensee, and withdrawing approval as a training provider.
170	Maintenance of a License		This section specifies a regulant's responsibility to inform the Board of a change in name or address and that a license may not be transferred.
180	Notice of Adverse Action		This section specifies a regulant's requirement to notify the Board in the instance of any adverse action taken against the regulant.
190	Response to Inquiry and Provision of Records		This section specifies a regulant's responsibility to comply with the Board's request for information.
200	Training Provider		This section specifies requirements that individuals must meet in order to conduct

	Personnel		training as an approved mold training provider.
210	Training Course General Requirements		This section outlines the general requirements that must be met by all mold training courses.
220	Worker Course Requirements		This section specifies the curriculum requirements of a mold remediator worker training course.
230	Supervisor Course Requirements		This section specifies the curriculum requirements of a mold remediator supervisor course.
240	Inspector Course Requirements		This section specifies the curriculum requirements of a mold inspector course.
250	Examinations		This section specifies the criteria for all examinations given at the conclusion of any mold training course.
260	Recordkeeping		This section specifies the recordkeeping requirements that approved mold training course providers must meet to maintain approval by the Board.
270	Changes to Approved Training Providers		This section specifies the procedures that an approved training provider must follow in the event of a change to a training course.
280	Status of Approval		This section establishes the authority by which the Board may withdraw approval of a mold training course provider.
290	General Standards of Individual Practice and Conduct		This section establishes general standards of practice and conduct for licensed mold individuals.
300	Mold Remediator Worker		This section establishes the standards of practice and conduct for mold remediator worker.
310	Mold Remediator Supervisor		This section establishes the standards of practice and conduct for mold remediator supervisor.
320	Mold Inspector		This section establishes the standards of practice and conduct for mold inspectors.
330	Responsibility to the Public		This section establishes that the primary obligation of the licensee is to the public.
340	Public Statements		This section establishes a licensee's responsibilities when making public statements.
350	Solicitation of Work		This section specifies acts which the licensee is prohibited from performing.
360	Professional Responsibility		This section establishes conduct for licensees and training providers with regard to responding to the Board, using the product of another licensee, disclosing of information, and the admittance of Board representatives for the purpose of ensuring

			that a training provider is conducting its courses properly.
370	Good Standing in Other Jurisdictions		This section establishes that licensees must be in good standing in other jurisdictions, procedures for notifying the Board of violations, and potential disciplinary actions for failing to maintain good standing.
380	Conflict of Interest		This section establishes the parameters of potential conflict of interest situations and prohibits specific actions of licensees, without the proper disclosures, which may create these situations.
390	Responsibilities of a Licensee		This section establishes general responsibilities of an individual licensed by the Board.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

- 1) Reporting requirements for the proposed new regulations include documentation which must be submitted to verify experience, education, and training upon initial application for licensure. Also, an individual renewing a license must verify completion of training by submitting a copy of a training course certificate. Any other reporting requirement is limited to those isolated instances when the Board may request documentation. No other standard reporting requirements are created by the proposed new regulations.
- 2) Any schedule of the requirements mentioned above is directly related to the processing of an application for initial or renewal licensure.
- 3) Existing reporting requirements are minimal and do not require consolidation.
- 4) The Board has no regulatory authority over businesses of any size.
- 5) The Board has no regulatory authority over businesses of any size.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

A family impact has not been identified.